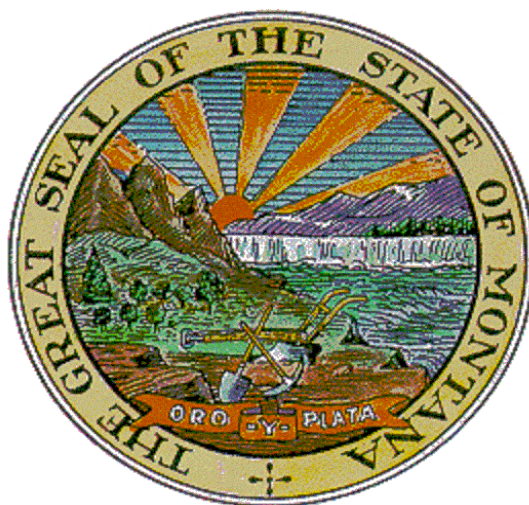


State of Montana
Department of Labor and Industry
Business Standards Division

BOARD SPECIFIC STATUTES RELATING TO ATHLETICS



ISSUED BY:

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TITLE 2
CHAPTER 15
PART 17

2-15-1772. Board of athletics. (1) There is a board of athletics.

(2) The board consists of three members appointed by the governor with the consent of the senate.

(3) Members shall serve staggered 3-year terms, and a member may not serve more than four consecutive terms.

(4) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121.

History: En. Sec. 1, Ch. 506, L. 1983; amd. Sec. 1, Ch. 11, L. 1993; amd. Sec. 16, Ch. 483, L. 2001; Sec. 2-15-1882, MCA 1999; redes. 2-15-1772 by Sec. 221(2), Ch. 483, L. 2001.

**TITLE 23
CHAPTER 3
PART 1 - 6**

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Chapter Cross-References

Power of cities -- license, tax, and regulate sporting activities, 7-21-4201.

Bribery in sporting contests, 45-8-214.

Part 1

State Board of Athletics (Repealed)

23-3-101. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. 82-301.1 by Sec. 346, Ch. 350, L. 1974; R.C.M. 1947, 82-301.1.

23-3-102. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4551, R.C.M. 1921; amd. Sec. 1, Ch. 103, L. 1927; re-en. Sec. 4551, R.C.M. 1935; amd. Sec. 345, Ch. 350, L. 1974; amd. Sec. 19, Ch. 453, L. 1977; R.C.M. 1947, 82-301; amd. Sec. 5, Ch. 474, L. 1981.

23-3-103. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4552, R.C.M. 1921; amd. Sec. 2, Ch. 103, L. 1927; re-en. Sec. 4552, R.C.M. 1935; amd. Sec. 36, Ch. 93, L. 1969; amd. Sec. 347, Ch. 350, L. 1974; R.C.M. 1947, 82-302.

Part 2

Boxing, Sparring, and Wrestling Matches (Repealed)

23-3-201. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4554, R.C.M. 1921; amd. Sec. 3, Ch. 103, L. 1927; re-en. Sec. 4554, R.C.M. 1935; amd. Sec. 1, Ch. 171, L. 1953; amd. Sec. 348, Ch. 350, L. 1974; amd. Sec. 1, Ch. 5, L. 1977; R.C.M. 1947, 82-303.

23-3-202. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4555, R.C.M. 1921; amd. Sec. 4, Ch. 103, L. 1927; re-en. Sec. 4555, R.C.M. 1935; R.C.M. 1947, 82-304.

23-3-203. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4556, R.C.M. 1921; amd. Sec. 5, Ch. 103, L. 1927; re-en. Sec. 4556, R.C.M. 1935; amd. Sec. 1, Ch. 185, L. 1947; amd. Sec. 349, Ch. 350, L. 1974; R.C.M. 1947, 82-305.

23-3-204. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4557, R.C.M. 1921; amd. Sec. 6, Ch. 103, L. 1927; re-en. Sec. 4557, R.C.M. 1935; amd. Sec. 350, Ch. 350, L. 1974; R.C.M. 1947, 82-306.

23-3-205. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4558, R.C.M. 1921; amd. Sec. 7, Ch. 103, L. 1927; re-en. Sec. 4558, R.C.M. 1935; R.C.M. 1947, 82-307.

23-3-206. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4559, R.C.M. 1921; amd. Sec. 8, Ch. 103, L. 1927; re-en. Sec. 4559, R.C.M. 1935; amd. Sec. 2, Ch. 171, L. 1953; amd. Sec. 162, Ch. 147, L. 1963; amd. Sec. 30, Ch. 271, L. 1963; amd. Sec. 351, Ch. 350, L. 1974; amd. Sec. 1, Ch. 217, L. 1975; R.C.M. 1947, 82-308.

23-3-207. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4560, R.C.M. 1921; amd. Sec. 9, Ch. 103, L. 1927; re-en. Sec. 4560, R.C.M. 1935; amd. Sec. 3, Ch. 171, L. 1953; amd. Sec. 352, Ch. 350, L. 1974; amd. Sec. 2, Ch. 217, L. 1975; R.C.M. 1947, 82-309.

23-3-208. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4561, R.C.M. 1921; amd. Sec. 10, Ch. 103, L. 1927; re-en. Sec. 4561, R.C.M. 1935; amd. Sec. 353, Ch. 350, L. 1974; R.C.M. 1947, 82-310.

23-3-209. Repealed. Sec. 1, Ch. 322, L. 1981.

History: En. as Ch. 190, L. 1919; app. by people on ref. Nov. 2, 1920, effective under governor's proclamation Dec. 6, 1920; re-en. Sec. 4562, R.C.M. 1921; amd. Sec. 11, Ch. 103, L. 1927; re-en. Sec. 4562, R.C.M. 1935; R.C.M. 1947, 82-311.

Part 3

General

23-3-301. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of athletics provided for in 2-15-1772.

(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

History: En. Sec. 2, Ch. 506, L. 1983; amd. Sec. 55, Ch. 483, L. 2001.

Part 4

Board of Athletics

23-3-401. Board organization -- compensation -- department to keep records.

(1) The board shall annually elect officers as it considers necessary.

(2) The members of the board are entitled to compensation and expenses, as provided in 37-1-133.

(3) The department shall keep a record of the board's proceedings, which are public records subject to public inspection.

History: En. Sec. 3, Ch. 506, L. 1983; amd. Sec. 2, Ch. 11, L. 1993; amd. Sec. 5, Ch. 492, L. 2001.

23-3-402. Enforcement of rules by board member -- board designees. (1) In absence of a quorum of the board, any board member in attendance at and supervising a contest or exhibition has the full power of the board in enforcing rules of the board.

(2) The board may designate in writing representatives to act specifically on behalf of the board but only within the scope of the written authority.

History: En. Sec. 4, Ch. 506, L. 1983.

23-3-403. Board member conflict of interest. No board member may:

(1) serve as a manager, promoter, or trainer of a professional or semiprofessional boxer or wrestler;

(2) have a financial interest or affiliation in a professional or semiprofessional boxing or wrestling match;

(3) serve as ring official, timer, referee, or judge at a professional or semiprofessional boxing or wrestling match; or

(4) participate in a professional or semiprofessional boxing or wrestling match.

History: En. Sec. 5, Ch. 506, L. 1983; amd. Sec. 1, Ch. 97, L. 1985.

23-3-404. Board jurisdiction -- license required -- contestant participation. (1) The board has sole management, control, and jurisdiction over each professional or semiprofessional wrestling or boxing match or exhibition, including "so you think you are tough" boxing matches and mud wrestling, involving recognition, a prize, or purse and at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, to be held within the state, except a match or exhibition conducted:

(a) by a university, college, or high school;

(b) by the military; or

(c) for contestants under 16 years of age, by a recognized amateur association.

(2) No organization or individual may conduct a match or exhibition within the board's jurisdiction unless it or he is the holder of an appropriate license granted by the board.

(3) No referee, manager, or judge may participate in a match or exhibition within the board's jurisdiction unless he is licensed by the board and the match or exhibition is conducted by an organization or individual licensed by the board.

(4) No professional or semiprofessional boxer or wrestler may participate in a match or exhibition within the board's jurisdiction unless he is licensed by the board and the match or exhibition is conducted by an organization or individual licensed by the board and his right to participate has not been suspended under 23-3-603.

History: En. Sec. 6, Ch. 506, L. 1983; amd. Sec. 2, Ch. 97, L. 1985.

23-3-405. Rules. (1) The board may adopt rules for the administration and enforcement of this chapter.

(2) (a) The rules must include the granting, suspension, and revocation of licenses and the qualification requirements for those to be licensed to conduct matches or exhibitions or to be licensed as referees, managers, or judges. License qualifications must include appropriate knowledge, experience, and integrity.

(b) The rules may include but are not limited to the following:

- (i) the labeling of a match as a championship match;
- (ii) the number and length of rounds and the weight of gloves;
- (iii) the extent and timing of the physical examination of contestants;
- (iv) the attendance of a referee and the referee's powers and duties; and
- (v) review of decisions made by officials.

(3) The rules must meet or exceed the safety codes required by recognized professional boxing and wrestling organizations and provide reasonable measures for the fair conduct of the matches or exhibitions and for the protection of the health and safety of the contestants. The rules must require a physical examination of each contestant prior to each match or exhibition and the attendance of a licensed physician at ringside and must provide for the qualifications of judges, referees, and seconds and for their payment by the promoter.

History: En. Sec. 7, Ch. 506, L. 1983; amd. Sec. 3, Ch. 97, L. 1985; amd. Sec. 1, Ch. 375, L. 2003.

Compiler's Comments

2003 Amendment: Chapter 375 in (2)(a) in first sentence after "include" deleted "but are not limited to the following" and after "granting" deleted "renewal" and in second sentence before "qualifications" inserted "License"; in (2)(b) inserted introductory clause making adoption of certain rules discretionary; and made minor changes in style. Amendment effective July 1, 2003.

Cross-References

Adoption and publication of rules, Title 2, ch. 4, part 3.

Part 5

Licenses

23-3-501. Licenses -- fees. (1) The board may issue a license to a professional or semiprofessional boxing or wrestling promoter, whether an individual or organization, for the sole purpose of conducting professional or semiprofessional matches or exhibitions.

(2) The board may issue licenses to qualified referees, managers, boxers, wrestlers, seconds, trainers, and judges.

(3) A license issued in accordance with subsections (1) and (2) expires on the date set by department rule.

(4) Each application for a license under this section must be accompanied by a fee, commensurate with costs for that license, as provided in 37-1-134, as set by the board.

History: En. Sec. 8, Ch. 506, L. 1983; amd. Sec. 2, Ch. 492, L. 1997; amd. Sec. 2, Ch. 375, L. 2003.

Compiler's Comments

2003 Amendment: Chapter 375 near beginning of (1) before "license" deleted "renewable"; in (2) before "licenses" deleted "renewable"; at end of (3) after "rule" deleted "and may be renewed upon payment of a fee set by the board"; and made minor changes in style. Amendment effective July 1, 2003.

23-3-502. Bond -- conditions. (1) No license to conduct professional or semiprofessional matches or exhibitions may be issued unless the licensee has executed a bond in the sum of not less than \$5,000.

(2) The bond must be conditioned on faithful compliance by the licensee with the provisions of this chapter and the rules of the board.

History: En. Sec. 9, Ch. 506, L. 1983.

Part 6

Reporting Requirements Penalties

23-3-601. Report of ticket sales -- tax on gross receipts -- disposition of money received. (1) An individual or organization licensed to conduct a boxing or wrestling match or exhibition must, within 24 hours after the completion of each match or exhibition, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the match or exhibition, the amount of gross proceeds, and other matters as the board prescribes and must also within 24 hours pay to the department a tax of 5% of its total gross receipts, after deducting the federal admission tax, if any, from the sale of tickets.

(2) All taxes and fees collected by the department or the board under this chapter must be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6).

History: En. Sec. 10, Ch. 506, L. 1983; amd. Sec. 48, Ch. 281, L. 1983.

23-3-602. Examination of books and records on failure to make report or on unsatisfactory report -- penalty for failure to pay tax. (1) If an individual or organization fails to make a report of a contest at the time prescribed by 23-3-601 or if the report is unsatisfactory to the board, the board may examine the books and records of the individual or organization and subpoena and examine witnesses under oath for the purpose of determining the total amount of its gross receipts for a contest and the amount of tax due under this chapter.

(2) If the individual or organization remains in default in the payment of tax ascertained to be due for a period of 20 days after notice to such delinquent of the amount due, the delinquent forfeits its license and is disqualified from receiving a new license.

History: En. Sec. 11, Ch. 506, L. 1983.

23-3-603. Discipline. (1) A license issued under the provisions of this chapter may, after notice and opportunity for hearing, be revoked or suspended by the board for a violation of the provisions of this chapter or any rule of the board.

(2) The board may, after notice and opportunity for hearing, reprimand any professional or semiprofessional athlete or suspend, for a period not to exceed 1 year, his right to participate in any match or exhibition conducted by any licensee for:

(a) unsportsmanlike conduct while engaged in or arising directly from any match or exhibition;

(b) failure to compete in good faith or engaging in any sham match or exhibition; or

(c) the use of threatening or abusive language toward officials or spectators.

History: En. Sec. 12, Ch. 506, L. 1983.

Cross-References

Contested case procedure, Title 2, ch. 4, part 6.

Disciplinary authority of boards, 37-1-136, 37-1-307 through 37-1-319.

23-3-604 through 23-3-610 reserved.

23-3-611. Violation as misdemeanor. A person who violates a provision of this chapter is guilty of a misdemeanor and upon conviction is punishable as provided in 46-18-212.

History: En. Sec. 13, Ch. 506, L. 1983.